

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1-21 were pending with claims 19-21 being withdrawn. By the present response, claims 3-6 have been amended, claims 19-21 cancelled and claims 22-135 have been added. Thus, upon entry of the present response, claims 1-18 and 22-135 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims, Figures 4A, 4B, 5, and 8-12, and the specification, page 22, line 13, page 23, lines 7-11, page 24, lines 17-22, page 25, lines 17 and 22, page 31, line 9, page 39, line 21 and page 41, lines 8-10.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-3, 7-14 and 16-18 stand rejected under 35 U.S.C. §102(a) as being clearly anticipated by U.S. Patent No. 6,560,940 to Mueller ("*Mueller*") on the grounds set forth on page 2 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

Mueller fails to disclose, teach or suggest the claimed Force-Resisting Device having the claimed arrangement of features. For example, the Examiner identified active element in *Mueller* (reference numeral 440) does not have a defined force versus deflection property as disclosed by applicant, e.g., the elastic-plastic-elastic

response under increasing loads and reversible behavior. For at least this reason an anticipatory rejection is improper and should be withdrawn

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 4-6 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mueller* on the grounds set forth on page 2 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

These dependent claims are distinguishable over *Mueller* for the same reason as outlined above with respect to independent claims 1 and 11 from which these claims depend. Withdrawal of the rejection is respectfully requested.

NEW CLAIMS

New claims 22-135 have been added. These claims recite various features either individually or in combination. Examples of these distinguishing features include coplanar and non-planar regions, in-plane and out-of-plane regions, cyclic loading response, cross-sectional shape, elasto-plastic response, specific responses under forces, relationship to building codes and arrangement in shear membranes, prefabricated elements and buildings. These recited features and others are not disclosed, taught or suggested by the disclosure in *Mueller*.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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